

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF AMENDMENT
17.38.101 and 17.38.106 pertaining to)	
plans for public water supply or)	(PUBLIC WATER AND SEWAGE
wastewater system and fees)	SYSTEMS)

TO: All Concerned Persons

1. On August 9, 2007, the Board of Environmental Review published MAR Notice No. 17-262 regarding a notice of public hearing on the proposed amendment of the above-stated rules at page 1067, 2007 Montana Administrative Register, issue number 15.

2. The board has amended the rules exactly as proposed.

3. The following comments were received and appear with the board's responses:

COMMENT NO. 1: One commentor suggested that the department adopt a straight hourly rate for engineering review.

RESPONSE: While there is certainly some merit in going to a straight hourly rate for review time and the department considered this option, it would be difficult to ensure fee consistency between reviewers. The board and department believe it is more equitable to have a set fee for each review item and charge an hourly fee for review of additional information.

COMMENT NO. 2: One commentor questioned the requirement for plan and specification engineering review for water vending units as he does not believe they should be regulated as public water supplies.

RESPONSE: Because the water vending units in question treat the water after its purchase from an approved public water supply, they meet the definition of a public water supply and are, therefore, required to submit plans and specifications for department review.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ James M. Madden
JAMES M. MADDEN
Rule Reviewer

By: /s/ Joseph W. Russell
JOSEPH W. RUSSELL, M.P.H.
Chairman

Certified to the Secretary of State, October 15, 2007.